

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LINDA L. WINSHELL and WALTER)	
WINCHELL, <i>her husband</i> ,)	
)	Case No. 2:17-cv-522
Plaintiffs,)	
)	District Judge Nora Barry Fischer
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
ENCOMPASS HOME & AUTO)	ECF Nos. 16, 19
INSURANCE CO.,)	
)	
Defendant.)	
)	

MEMORANDUM ORDER

The Complaint in the above captioned case was received by the Clerk of Court on April 21, 2017, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.


The Magistrate Judge's Report and Recommendation (ECF No. 19), filed on September 29, 2017, recommended that the Motion to Dismiss (ECF No. 16) filed by Defendant Encompass Home & Auto Insurance Company be denied. Service was made on all counsel of record via CM/ECF Electronic Mail. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Defendant filed timely Objections (ECF No. 21) to the Report and Recommendation, and Plaintiff filed a timely Response to Defendant's objections (ECF No. 22).

After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation, Objections thereto, and Response to the Objections, the following Order is entered:

AND NOW, this 24th day of October, 2017,

IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 16) filed by Defendant Encompass Home & Auto Insurance Company is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 19) of Magistrate Judge Lenihan, dated September 29, 2017, is adopted as the opinion of the Court.


Nora Barry Fischer
United States District Judge

cc: All Counsel of Record
Via CM/ECF Electronic Mail